IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 20961 of 2006(U)

PETITIONER:

S.MOLLY, W/O.VIJAYAKUMAR, ARUN NIVAS,
NAKKARA, KUZHAKKADU MURI, VEERANAKKAVU VILLAGE,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.S.V.BALAKRISHNA IYER (SR.)
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.HARISH R. MENON
SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY TO GOVERNMENT OF KERALA,
GOVERMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. THE ADDITIONAL TAHSILDAR,
NEDUMANGADU TALUK, THIRUVANANTHAPURAM DISTRICT.

4. THE VILLAGE OFFICER,
VITHURA VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20961 of 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LAND REVENUE RECEIPT DATED 16-12-1996 ISSUED BY RESPONDENT NO.4

EXT.P2: TRUE COPY OF REPRESENTATION DATED 15.12.2005 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT

EXT.P3: TRUE COPY OF INTIMATION DATED 5.1.2006 SENT BY 4TH RESPONDENT TO THE PETITIONER

EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 16.1.2006 FILED BY THE PETITIONER TO THE 2ND RESPONDENT

EXT.P5: TRUE COPY OF THE COMMUNICATION DATED 26.5.2006 SENT BY 3RD RESPONDENT TO 4TH RESPONDENT

EXT.P6: TRUE COPY OF THE REPRESENTATION DATED 27.5.2006 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT

EXT.P7: TRUE COPY OF REPRESENTATION DATED 29.5.2006 SUBMITTED BY THE PETITIONER BEFORE 3RD RESPONDENT

/TRUE COPY/

ANTONY DOMINIC,J.

W.P (C) No. 20961 of 2006

Dated this the 17th day of September, 2007

J U D G M E N T

Complaint of the petitioner is that the authorities are declining to effect mutation of the land in her favour and to accept tax for the remaining extent of her land. The petitioner asserts that in terms of her document of title she owned 80.94 Ares of land in Sy. No. 190/6 of Vithura Village in Trivadrum District. According to her under the Land Acquisition proceedings, an extent of 76.65 Ares of land was acquired and the balance left is still in her possession and ownership. It is in respect of this balance area she offered land tax and seeks mutation in her name.

2. Learned Government Pleader, on the other hand, submits that in terms of village records the entire land which stood in the name of the petitioner has been acquired and that there is no remaining portion of land for effecting mutation.

3. In view of this disputed question of fact the only course open to this court is to direct the 4th respondent, before whom Exhibit-P6 representation filed by the petitioner is pending, to examine the claim of the writ petitioner with

reference to the village records and the document of title held by her. If on such examination, it is found that there is 4.29 Ares of land as claimed by the petitioner further action shall be taken by the respondents for effecting mutation. Thereafter once this process is completed petitioner will be free to pay land tax which will also be accepted by the concerned authority. Accordingly, I dispose of this writ petition directing the 4th respondent to take up and consider Exhibit-P6 representation as expeditiously as possible, within a period of four weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 4th respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007